

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-10021-CR-ALTMAN

UNITED STATES OF AMERICA

vs.

REINALDO LOPEZ HERNANDEZ,

Defendant.

FACTUAL PROFFER

The United States and the Defendant, Reinaldo Lopez Hernandez (“LOPEZ HERNANDEZ”), stipulate that if this case were to proceed to trial, the United States would prove the following facts, among others, beyond a reasonable doubt:

On or about October 17, 2022, a Customs and Border Protection (“CBP”) Air and Marine Operations (“AMO”) aircraft observed a suspect vessel in international waters heading southbound away from Florida with two individuals at the helm. After tracking the suspect vessel for four hours, the CBP AMO aircraft had to return to Florida for fuel. On or about October 18, 2022, a CBP AMO aircraft again observed the suspect vessel, this time in the vicinity of Anguilla Cay, Bahamas, traveling towards the United States. CBP AMO law enforcement officers attempted to stop the suspect vessel approximately ten nautical miles off the coast of Ocean Reef, Florida, in United States territorial waters. Instead of stopping, the suspect vessel increased in speed. CBP AMO law enforcement officers fired one warning shot across the bow of the suspect vessel. The suspect vessel then complied and stopped approximately seven nautical miles off the coast of Ocean Reef, Florida.

Upon boarding the suspect vessel, law enforcement officers identified LOPEZ HERNANDEZ as the operator of the suspect vessel. Also on board were nineteen (19) Cuban nationals, to include an individual with the initials L.B., none of which had permission or authorization to enter the United States on or about October 18, 2022. The suspect vessel was a Florida registered 1998 Baja center console, 28' in length, with two (2) Yamaha 350 horsepower outboard motors, with the following hull identification number: AGC50015B898.

During a recorded, post-*Miranda* interview, LOPEZ HERNANDEZ admitted to picking up Cuban nationals in Anguilla Cay, Bahamas, in order to bring them to the United States and stated he knew it was illegal to do so.

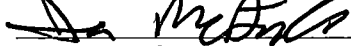
The United States and LOPEZ HERNANDEZ agree that these facts, which do not include all of the facts known to the United States and to LOPEZ HERNANDEZ, are sufficient to prove the guilt of LOPEZ HERNANDEZ as to the crimes of Encouraging and Inducing Aliens to Enter the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv); and Failure to Heave To, in violation of Title 18, United States Code, Section 2237(a)(1).

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: 2/29/24

By: 
JESSICA J. AYER
SPECIAL ASSISTANT UNITED STATES ATTORNEY

Date: 3/11/24

By: 
IAN MCDONALD
ASSISTANT FEDERAL PUBLIC DEFENDER
ATTORNEY FOR DEFENDANT

Date: 3/18/24

By: 
REINALDO LOPEZ HERNANDEZ
DEFENDANT